

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY**

Regular Meeting April 3, 2013

MEETING MINUTES

*******Draft Document Subject to Commission Review/Approval*******

CALL TO ORDER: Vice Chairman Osborn called the Meeting to order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Richard Osborn (Vice Chairman), John Malin, and Robert Slate, and Alternate Members Kathryn Roloff and Michael Sawka.

Unable to Attend: Regular Members Michael Kozcera and Ron Savaria.

Guests: Selectman Richard Pippin (Inland/Wetlands Liaison).

Vice Chairman Osborn noted the establishment of a quorum with three Regular and two Alternate Members as noted above. All Commissioners will sit in on votes this evening

Also in attendance was Wetlands Agent/Zoning Enforcement Officer Robin Newton.

AGENDA ADDITIONS:

Vice Chairman Osborn noted the addition of Application of **Annette Fortune/FOROVAN, LLC** to add lighting, fencing, and shed to property at 121 North Road. Assessor's Map 124; Block 16, Lot 026A. Application to be discussed under **AGENT DECISIONS.**

Addition noted; no motion made.

APPROVAL OF MINUTES /March 6, 2013 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated March 6, 2013 as presented.

Slate moved/Roloff seconded/VOTE: In Favor: Unanimous

CONTINUED PUBLIC HEARINGS: None.

NEW APPLICATIONS TO BE RECEIVED: None.

NEW BUSINESS: #01-2013 – Applicant David Tyler for Skylar Airport – Remove

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – April 3, 2013
MEETING MINUTES**

2

stumps to allow for plowing, planting grass to produce hay for farm activity at 54 Wells Road, East Windsor/Skylark Airport. Assessor's Map 115, Block 24, Lot #28 (65 day application period runs through 5/10/2013):

Vice Chairman Osborn read the description of this Item of Business. Wetlands Agent Newton provided the Commissioners with a memo which summarized this Application. She noted the location of this activity is within the regulated area; the activity will include tree stumping and plowing related to farming. Wetlands Agent Newton suggested she felt there will be minimal impact to the area due to these activities. Should the Commission consider approving this Application Wetlands Agent Newton offered an approval motion which included the Standard Conditions, and the following additional conditions: 1) The area to be cleared to be checked in the field by Wetlands Agent; 2) Stumps to be placed on boundary of other land owned by Michael Kozcera; and 3) Any additional activity in the wetlands area requires a Wetlands Permit.

Vice Chairman Osborn queried if Mr. Tyler had any comments to add? Mr. Tyler replied it's early to start this work but he will let Wetlands Agent Newton know when he begins the activities.

Vice Chairman Osborn queried Wetlands Agent Newton if she had any additional comments to offer? Wetlands Agent Newton replied she had nothing further to add.

MOTION TO APPROVE Application #01-2013 – Applicant David Tyler for Skylark Airport to remove stumps to allow for plowing, planting grass to produce hay for farm activity at 54 Wells Road, East Windsor/Skylark Airport. Assessor's Map 115, Block 24, Lot #28 (65 day application period runs through 5/10/2013).

This approval is granted subject to conformance with the referenced plans, Town of East Windsor Aerial GIS, Assessor's Map (as may be modified by the Conditions) and the following conditions:

Standard Conditions

1. The Commission or its designated agent must be notified in writing no later than 48 hours prior to the commencement of permitted activities, and upon completion of said activities.
2. The burden to extend the approved timeframe for the regulated activity (and the time period for the original permit) is on the permittee; the Town of East Windsor is not required to give notice of the permit's expiration.
3. This permit shall not be assigned or transferred without the approval of the Agency.

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – April 3, 2013
MEETING MINUTES**

3

4. The Permittee shall permit the Chairman of the Inland Wetland Agency, or its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.
5. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion control measures are to be installed as directed by the Town Staff if field conditions necessitate.
6. These permit conditions apply only to the work approved by this permit. Any other work to be done within the area of regulatory interest shall require the filing of a new or modified Inland Wetlands Application for consideration by the Commission. **This includes placement of any type of “fill” to the wetlands areas even if it is for a farming activity.**
7. If any alteration of the wetland/resource area does occur, the Commission shall impose such measures as it finds necessary to protect and restore those areas.
8. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.
9. The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of regulatory interest under the Inland Wetlands and Watercourses Regulations.
10. This Permit is valid for a period of five **(5) years** from the date of issuance. Any regulated activity approved by the Agency shall be completed **within 1 year** from the time such activity is commenced, provided the Agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the Agency may extend: (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.

NOTE: The approval granted does not relieve the applicant from his responsibility to apply for any other permits required by local, state or federal agencies.

Additional conditions:

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – April 3, 2013
MEETING MINUTES**

4

11. Applicant shall notify Wetland Agent and request inspection for limits of clearing before starting any activities.
12. Removed stumps shall not be buried onsite or placed in a wetland area. They may be used as a “berm” along the property boundary to the south
13. Any additional activities in the wetland areas, including but not limited to, the bringing in of any type of fill, even for farming purposes requires a permit from the Wetland Agency.

DISCUSSION: None

Slate moved/Roloff seconded/VOTE: In Favor: Unanimous

OLD BUSINESS: #03-2013 – East Windsor Cemetery Association – Springdale Cemetery, Warehouse Point – Repair and stabilize a slope failure within the 150’ upland review area. Assessor’s Map 91, Block 10, Lot 26.

Vice Chairman Osborn noted this Item of Business under the Agenda order. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates representing the East Windsor Cemetery Association.

Mr. Ussery noted Mr. Dan Burnham is away and was unable to attend this Meeting. Mr. Ussery referenced plans which reflect work to repair and stabilize slope failure at the Springdale Cemetery. The work will include removal of trees and limbs which have fallen over the slope due to the slope failure the work will include removal of blacktop which had been added to the slope in an attempt to repair the damage.

Mr. Ussery reported Clarence Welti performed borings on the slope and made recommendations for the repair of approximately a 90’ x 50’ area with riprap stone, and fabric. Mr. Ussery indicated the project recently went out to bid, and was awarded to Jon Holden, for approximately \$40,000 vs. the higher cost estimated earlier. The estimated cost of the project was reduced due to recommendations made by Mr. Welti. Mr. Ussery reported that he understood the Town received approximately 75% of the cost of the project under FEMA funds which were available due to storm damage which occurred in 2011. Mr. Ussery provided a copy of the Project Manual for the file. He indicated Mr. Holden estimated this project can be completed in approximately 1 week.

Mr. Ussery indicated they are asking for a Wetlands Permit to conduct this activity, most of which will occur in the 150’ upland review area (which includes most of the cemetery). Mr. Ussery indicated there is a wetlands at the bottom of the slope which occurs due to storm drainage from I-91, Main Street, and the brook which comes into the property under the highway.

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – April 3, 2013
MEETING MINUTES**

5

Commissioner Slate questioned that trees that have already fallen over the slope will be removed; he noted some of those trees are large. Mr. Ussery replied affirmatively, noting some came down during the storm and some fell due to the slope failure.

Wetlands Agent Newton referenced the memo to the Commission, noting the she and Town Engineer Norton have both reviewed the plans and have no issues with the repairs proposed. Wetlands Agent Newton offered the Commission a proposed approval motion for their consideration.

Vice Chairman Osborn queried the Commission for comments; no one offered any recommendations.

MOTION: To APPROVE Application #03-2013 – East Windsor Cemetery Association – Springdale Cemetery, Warehouse Point to repair and stabilize a slope failure within the 150' upland review area. Assessor's Map 91, Block 10, Lot 26 with standard conditions.

This approval is granted subject to conformance with the referenced plans, "Slope Restoration Plan, Main Street, prepared for: East Windsor Cemetery Association, Dated 2/4/13, revised 2/22/13" (as may be modified by the Conditions) and the following conditions:

Standard Conditions

1. The Commission or its designated agent must be notified in writing no later than 48 hours prior to the commencement of permitted activities, and upon completion of said activities.
2. The burden to extend the approved timeframe for the regulated activity (and the time period for the original permit) is on the permittee; the Town of East Windsor is not required to give notice of the permit's expiration.
3. This permit shall not be assigned or transferred without the approval of the Agency.
4. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
5. During the construction phase, the applicant shall be responsible for maintaining a copy of this permit at the site.
6. The Permittee shall permit the Chairman of the Inland Wetland Agency, or its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – April 3, 2013
MEETING MINUTES**

6

7. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion control measures are to be installed as directed by the Town Staff if field conditions necessitate.
8. These permit conditions apply only to the work approved by this permit. Any other work to be done within the area of regulatory interest shall require the filing of a new or modified Inland Wetlands Application for consideration by the Commission.
9. If any alteration of the wetland/resource area does occur, the Commission shall impose such measures as it finds necessary to protect and restore those areas.
10. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.
11. **A copy of the As-Built plan** shall be submitted to this Commission/Wetland Agent upon completion of the project. The as-built will be reviewed by the wetland agent and verified in the field.
12. The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of regulatory interest under the Inland Wetlands and Watercourses Regulations.
13. This Permit is valid for a period of five **(5) years** from the date of issuance. Any regulated activity approved by the Agency shall be completed **within 1 year** from the time such activity is commenced, provided the Agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the Agency may extend: (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.

DISCUSSION: None

Roloff moved/Slate seconded/VOTE: In Favor: Unanimous

MISCELLANEOUS/1) Discussion of Input to 2014 Update of East Windsor Plan of Conservation and Development:

TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – April 3, 2013
MEETING MINUTES

7

Wetlands Agent Newton noted the Commissioners have been provided a questionnaire from the Planning and Zoning Commission subcommittee regarding input for the 2014 revision of the Plan of Conservation and Development. She requested Commissioners return their questionnaire by April 26th. Wetlands Agent Newton noted discussion regarding this Commission's input for the POCD will occur at a future meeting.

AGENT DECISIONS/#04-2013 - Annette Fortune/FOROVAN, LLC to add lighting, fencing, and shed to property at 121 North Road. Assessor's Map 124; Block 16, Lot 026A.

Wetlands Agent Newton referenced the Application of Annette Fortune for the addition of lighting at existing fields and 2 additional fields at the dog training facility on North Road.

She noted 2 of the new fields will be located north of a wetlands pocket within the upland review area. Wetlands Agent Newton reported this activity can be approved via an Agent Decision.

The Commission concurred with Wetlands Agent Newton's recommendation; no motion was made.

STATUS REPORTS:

- **Brian Carpenter, 33 Mahoney Road – Show Cause Hearing/Cease & Desist Order for Continued Filling Activity:**

Wetlands Agent Newton noted Mr. Carpenter has not come into the office to discuss remediation with Staff. She will be contacting Mr. Carpenter for follow-up.

VIOLATIONS/1) Violation-Skylark Airport Realty – 54 Wells Road – Fill Activity in a Regulated Area:

Wetlands Agent Newton reported she recently met with representatives for Walmart. An Erosion Control Plan has been submitted, and they have found a location which will accept the fill. Removal of the fill from Skylark will begin when the land dries out.

CONFERENCES/SEMINARS/TRAINING:

Wetlands Agent Newton reported she has not yet received any notification of DEEP training. She suggested she may offer in-house training in the interim.

CORRESPONDENCE: None.

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – April 3, 2013
MEETING MINUTES**

8

GENERAL BOARD DISCUSSION: None.

PUBLIC PARTICIPATION (Discussion on non-Agenda items only):

No one from the audience requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:20 p.m.

Slate moved/Roloff seconded/VOTE: In Favor: Unanimous

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission
(2583)